

REMARKS

Claim 10 has been amended to correct an error in dependency. It is respectfully submitted that Group I now includes only **claims 1-5** and that Group II now includes **claims 6-10**.

In making the restriction requirement, the Office Action asserts that the inventions of Groups I and III are related as process and apparatus for its practice. The Office Action asserts that inventions are distinct if it can be shown that either: (1) the processes claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another materially different process. The Office Action asserts that in this case the apparatus can be used without using the color replacement methods but simply to color generic items such as textiles. However, it is respectfully submitted that the apparatus as claimed includes a preferred signal selector operative to select a preferred signal from among at least the model color signal and the measured colored signal.

Furthermore, the term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, practice and product made, etc., but are capable of separate manufacturer, use or sale as claimed, and are **PATENTABLE** (novel and unobvious) **OVER EACH OTHER** (though they may be unpatentable because of the prior art). (**MPEP §802.01**)

It is respectfully submitted that Group I would not be patentable over Group III.

For at least the foregoing reasons, it is respectfully submitted that the restriction requirement between Groups I and III (**claims 1-5 and claims 11-19**) should be withdrawn.

Nonetheless, to address the Examiner's Restriction Requirement, the Applicants elect **claims 1-5** for further prosecution with traverse, and request that the Examiner reconsider the restriction and examine at least **claims 1-5 and claims 11-19**.

Early favorable action on the application is hereby respectfully requested.

Respectfully submitted,

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3/23/04
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